

ENTERED

July 15, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

REYNALDO MARTINEZ

Petitioner

VS.

UNITED STATES OF AMERICA


§
§
§
§
§
§CIVIL ACTION NO. 1:22-CV-037
CRIMINAL ACTION NO. 1:14-CR-918-1**ORDER**

In January 2022, Petitioner Reynaldo Martinez filed a Motion Pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. (Docs. 1, 5) After a United States Magistrate Judge recommended that Martinez's claims be denied as meritless, the Court overruled Martinez's objections, adopted the Report and Recommendation, and denied Martinez's Petition. (Order Adopting R&R, Doc. 13)

In June 2022, Martinez filed a Notice of Appeal (Doc. 16), and now requests approval to proceed *in forma pauperis* on appeal. (App. to Proceed IFP, Doc. 18) However, the Court previously denied Martinez a certificate of appealability, finding that there is no outstanding issue that would be debatable among jurists of reason in this case. (Order Adopting R&R, Doc. 13, 2) As Martinez is not entitled to appeal the Court's Order, he is not entitled to proceed *in forma pauperis*. See *Williams v. United States*, No. 4:09CR87(1), 2016 WL 4003397, at *1 (E.D. Tex. July 26, 2016) ("Because [Petitioner] has not shown that he is entitled to a certificate of appealability, he also has not shown that he is entitled to proceed *in forma pauperis* on appeal"). Accordingly, it is:

ORDERED that Plaintiff Reynaldo Martinez's Application to Proceed *in forma pauperis* (Doc. 18) is **DENIED**.

Signed on July 15, 2022.


Fernando Rodriguez, Jr.
United States District Judge

